

BEFORE THE  
**Federal Communications Commission**  
 WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Cellular Service and Other Commercial )  
 Mobile Radio Services in the Gulf of )  
 Mexico )

WT Docket No. 97-112

Amendment of Part 22 of the Commis- )  
 sion's Rules to Provide for Filing and )  
 Processing of Applications for Unserved )  
 Areas in the Cellular Service and to )  
 Modify Other Cellular Rules )

CC Docket No. 90-6

**REPLY COMMENTS OF  
 BENBOW PCS VENTURES, INC.**

Benbow PCS Ventures, Inc. ("Benbow"), by its attorney, hereby replies to the comments filed in response to the *Second Notice of Proposed Rulemaking* adopted in the above-referenced proceeding ("*Second NPRM*").<sup>1</sup> As an incumbent narrowband PCS

<sup>1</sup> *In the Matter of Amendment of Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico, Amendment of Part 22 of the Commission's Rules to Provide for the Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules, WT Docket No. 97-112, CC Docket No. 90-6, Second Notice of Proposed Rule Making, 12 FCC Rcd 4576 (March 28, 1997).*

licensee of two regional NPCS authorizations,<sup>2</sup> Benbow filed comments in response to the *Second NPRM* and has a direct and clear interest in the issues raised therein.

There is general agreement among Commenters that by virtue of MTA/BTA service area definitions, the *Mobil Oil Telecom* decision, and the Commission's service and technical rules, incumbent land-based carriers have existing service rights that may not be abridged.<sup>3</sup> Accordingly, as Benbow pointed out in its comments, it would be unlawful for the Commission to develop a Gulf of Mexico licensing scheme that would in any way enable new service providers to preclude incumbent licensees such as Benbow from fully deploying land-based systems within their authorized service areas, including coastal areas.

If the Commission does in fact authorize additional, water-based carriers in the Gulf, Benbow concurs with PageNet's request that the Commission adopt additional licensing and operational rules to protect existing land-based operations. As PageNet and ProNet explain, closely locating co-channel facilities of land-based and water-based carriers in the NPCS service where NPCS carriers have determined to channelize

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<sup>2</sup> Benbow is owned by June E. Walsh, the controlling majority shareholder, and The Westlink Company, a wholly-owned subsidiary of Arch Communications Group, Inc. Benbow owns Cal Autofone and Radio Electronics Products Corporation, two small paging companies providing traditional paging service in northern California. Benbow has also recently announced a proposed acquisition of three regional NPCS authorizations currently held by Page Call, Inc., which acquisition is subject to Commission approval. Ms. Walsh is a 25-year veteran of the paging industry, having operated paging systems in the northern California area prior to merging operations into Benbow.

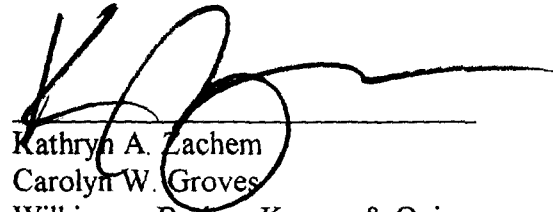
<sup>3</sup> See, e.g., Comments of Aerial Communications at 3-5; Comments of ALLTEL at 5; Comments of BellSouth at 5-6; Comments of PrimeCo Personal Communications, LP ("PrimeCo") at 4-14; Comments of Sprint Spectrum, L.P. at 4-6.

spectrum at varying bandwidths virtually guarantees water-based carriers will cause harmful interference to existing land-based carriers, infringing on their ability to construct and operate contiguous land-based systems.<sup>4</sup> Consequently, Benbow supports PageNet's request that the Commission (1) authorize water-based operations on a secondary basis to all existing and future land-based systems; (2) require that water-based systems refrain from ever causing harmful interference to land-based systems; and (3) require that water-based licensees provide full co-channel protection to land-based licensees currently operating in the Gulf coastal areas, including any service areas that extend over water.<sup>5</sup>

Respectfully submitted,

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August 4, 1997

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<sup>4</sup> Comments of PageNet at 5-6; ProNet at 3-5.

<sup>5</sup> Comments of PageNet at 5-8.

### **CERTIFICATE OF SERVICE**

I, Joy M. Griffiths, hereby certify that on this 3rd day of August, 1997, copies of the foregoing Reply Comments were mailed, postage prepaid, to the following:

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